

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JILL BABCOCK, et al.,

Case No. 22-cv-12951

Hon. Mark A. Goldsmith

Plaintiffs,

v

STATE OF MICHIGAN, et al.,

Defendants.

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**MOTION REQUESTING JUDICIAL NOTICE IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED  
COMPLAINT**

Pursuant to E.D. Mich. LR 7.1(a), the undersigned counsel certifies that counsel communicated in writing with opposing counsel, explaining the nature of the relief to be sought by way of this motion and seeking concurrence in the relief; opposing counsel thereafter expressly denied concurrence.

Now comes Defendants County of Wayne and Wayne County Building Authority (collectively, the "Wayne County Defendants"), by and through counsel, and respectfully request that this Court take judicial notice, pursuant to Fed. R. Evid. 201, pertaining to the years in which each of the seven (7) buildings related to the Wayne County Defendants were constructed and occupied, and their historic registry status (where applicable) to the Wayne County Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint (ECF No. 64).

Federal Rule of Evidence 201(d) requires a court to take judicial notice if a party request such notice and provides the Court with the necessary information. Rule 201(b) provides: “A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” The Court may, but is not required to, consider documents subject to judicial notice. *New England Health Care Emps. Pension Fund v. Ernst & Young, LLP*, 336 F.3d 495, 501 (6th Cir. 2003). The Court may take judicial notice of a fact that is not subject to reasonable dispute because it is either generally known in the district or it can be “accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). The Court must take judicial notice if a party request such and the court is provided the information necessary to take notice. Fed. R. Evid. 201(c)(2).

The years in which each of the buildings related to the Wayne County Defendants were constructed are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. In addition, such information is currently not contested. Therefore, this Court should take judicial notice of this factual information pertaining to the years in which each of the seven (7) buildings related to the Wayne County Defendants were constructed

and occupied, and their historic registry status which is critical to Defendant's Motion to Dismiss as historic buildings provide for legal exceptions and arguments that may not otherwise be had.

WHEREFORE, the Wayne County Defendants respectfully request that this Court grant its Motion for Judicial Notice and judicially notice to the Wayne County Defendants' Brief in Support of its Motion to Dismiss Plaintiffs' First Amended Complaint.

Respectfully Submitted,

**THE MILLER LAW FIRM**

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County Building Authority*

Dated: June 2, 2023

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**BRIEF IN SUPPORT OF MOTION REQUESTING JUDICIAL NOTICE IN  
SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFFS'  
AMENDED COMPLAINT**

For Defendants County of Wayne and Wayne County Building Authority brief in support of their Motion Requesting Judicial Notice in Support of Defendants' Motion to Dismiss Plaintiffs' Amended Complaint, Defendants rely on the contents of their Motion.

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*Attorneys for Defendants,  
Wayne County and Wayne  
County Building Authority*

Dated: June 2, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that on June 2, 2023, I electronically filed the foregoing document(s) using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

**THE MILLER LAW FIRM**

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